

THIS DISPOSITION IS  
NOT CITABLE AS PRECEDENT  
OF THE TTAB

Mailed: December 4, 2003

Paper No. 19  
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**UNITED STATES PATENT AND TRADEMARK OFFICE**

**Trademark Trial and Appeal Board**

Sharp Kabushiki Kaisha, a/t/a Sharp Corporation

v.

Sharp Circle Consulting, LLC

Opposition No. 91117882  
to application Serial No. 75656064  
filed on March 8, 1999

Robert W. Adams of Nixon & Vanderhye PC for Sharp  
Kabushiki Kaisha, a/t/a Sharp Corporation.

Antony J. McShane of Katten Muchin & Zavis for Sharp  
Circle Consulting, LLC.

Before Simms, Seeherman and Chapman, Administrative  
Trademark Judges.

Opinion by Chapman, Administrative Trademark Judge:

Sharp Circle Consulting, LLC (an Illinois limited  
liability corporation) has applied to register on the  
Principal Register the mark shown below



for "business consultation services in the fields of executive recruitment and business development" in International Class 35; "financial consultation services" in International Class 36; and "computer technology consultation services" in International Class 42. The application was filed on March 8, 1999, and is based on applicant's allegation of a bona fide intent to use the mark in commerce in connection with each of the identified services.

As grounds for opposition, opposer alleged that it is the owner of the mark SHARP and a "family" of related SHARP marks (including SHARP CARD, SHARP CORPORATION and SHARPVISION and design), used in connection with the sale of "an extremely wide variety of electrical and/or electronic products in the computer field and in connection with related consultation services" (paragraph 1); that opposer has "substantial common law trademark rights" in its SHARP "family" of marks; that opposer owns numerous trademark registrations for marks consisting of or including the word SHARP; that opposer's SHARP mark

and SHARP "family" of marks have become famous in the United States and throughout the world "with respect to electric and electronic products and services for use by businesses" (paragraph 2); that applicant's mark, when used on its services, would so resemble opposer's previously used and registered marks, as to be likely to cause confusion, mistake, or deception; and that "registration of the mark SHARP CIRCLE & Design by applicant is likely to injure and/or dilute the strength of opposer's aforesaid trademarks" (paragraph 8).

In its answer applicant denied the salient allegations of the notice of opposition.

The record includes the pleadings; the file of the opposed application; the testimony, with exhibits, of Donald Mossman, opposer's vice president and general counsel; and opposer's notices of reliance. Applicant has submitted no evidence on its behalf in this case, and applicant did not attend the deposition of Mr. Mossman.

Only opposer filed a brief on the case.<sup>1</sup> Neither party requested an oral hearing.

In view of the unusual circumstances reflected in this record, the Board, on October 3, 2003, issued a show

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<sup>1</sup> Even though applicant did not file a brief on the case, opposer filed a reply brief. Inasmuch as there is nothing for

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cause order to applicant, and allowed applicant time to show why judgment should not be entered against it in this opposition, based on applicant's loss of interest in the case.

No response to the show cause order has been received.

In view thereof, judgment is hereby entered against applicant, the opposition is sustained, and registration to applicant is refused.

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opposer to "reply" to, it was inappropriate for opposer to file a reply brief.